

**United States District Court
Western District of Washington
Tacoma Division**

John Doe #1, et al.,

Plaintiffs,

vs.

Sam Reed, et al.,

Defendants.

No. 3:09-CV-05456-BHS

The Honorable Benjamin H. Settle

**Supplement to Motion to Continue the
Trial Date**

NOTE ON MOTION CALENDAR:
September 9, 2011

1 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington herein supplement
2 their Motion to Continue the Trial Date. (Dkt. 263.) In addition to the reasons included in the
3 original motion (listed 1-6), Plaintiffs add the following:

4 7. Plaintiffs state that Mr. Bopp anticipated that Mr. Haynie would attend the pre-trial
5 conference on September 12, 2011. However, because Mr. Haynie will not be participating in the
6 trial, he is not the proper individual to attend the conference. *See* Fed. R. Civ. P. 16(e). Mr. Bopp
7 would attend the pre-trial conference but for a conflict on that date. On September 12, Mr. Bopp
8 will be in Florida speaking at a Florida judicial conference. Additionally, Mr. Bopp has oral
9 argument scheduled in the First Circuit on September 14. Plaintiffs are awaiting confirmation as
10 to whether attorney Stephen Pidgeon is available to attend the conference. Plaintiffs' only other
11 admitted counsel, Joseph La Rue, is recovering from a car accident and will not be participating
12 in the trial and therefore is not able to attend the conference. Plaintiffs may seek to admit another
13 attorney from Mr. Bopp's firm, but this individual may not be admitted by September 12 and is
14 unavailable to attend the conference as well.

15 8. Plaintiffs also state that Mr. Bopp anticipated that Mr. Haynie would play a critical role
16 in preparing for trial, especially the week before the trial begins. During that week, Mr. Bopp has
17 a total of three appellate arguments, two before the 8th Circuit on September 20 and 21 (the one
18 on September 21st is en banc) and one argument before the 7th Circuit on September 22.

19 Because this case may be resolved on the pending motions for summary judgment or,
20 alternatively, because the resolution of those motions may affect the focus of the trial, Plaintiffs
21 therefore pray that the Court grant this motion to continue the trial pending resolution of the
22 cross motions for summary judgment. In the case that the Court denies to motion to continue the
23 trial, Plaintiffs respectfully request that the pre-trial conference be moved to a mutually agreeable
24 date.

1
2 Dated this 2nd day of September, 2011.

3 Respectfully submitted and approved by:

4 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington:

5 By: /s/ James Bopp, Jr.
6 James Bopp, Jr.
7 Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I, James Bopp, Jr., am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On September 2, 2011, I electronically filed the foregoing document, described as Supplement to Motion to Continue the Trial Date, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 2nd day of September, 2011.

/s/ James Bopp, Jr.
James Bopp, Jr.
Counsel for All Plaintiffs